

MINERAL COUNTY BOARD OF COMMISSIONERS

COMMISSIONERS:

**ENVIRONMENTAL
PROTECTION AGENCY**

DEC 29 2008

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December 24, 2008

MONTANA OFFICE

Governor Brian D. Schweitzer
Office of the Governor
Montana State Capitol Building
PO Box 200801
Helena MT 59602-0801

RE: Mineral County Request for Environmental Protection Agency National Priority Listing

Dear Governor Schweitzer:

Historic mining practices in the late 1800's and early 1900's at the Iron Mountain Mine located in the Flat Creek drainage above Superior in Mineral County resulted in mining waste materials being generated that have been accessible to the public for over 100 years. A resulting mine drift continues to release contaminated water into the surrounding area. Several years ago Mineral County became aware of imprudent decisions to transport mine tailings from the Flat Creek drainage to the track located at the high school and various residential driveways in the town of Superior. The discovery of contaminated mine wastes resulted in an Environmental Protection Agency (EPA) action to test and remediate certain properties in Superior and Mineral County. To facilitate the EPA remediation process a repository of removed contaminated soils was located in the vicinity of the Mineral County Airport. Mineral County has posted the Flat Creek drainage with health advisory notices informing the public of contaminated soils and water.

The resulting EPA time-critical removal action report indicated that additional property could contain contaminated soils within and near Superior as well as the Flat Creek drainage. The Agency for Toxic Substances and Disease Registry (ATSDR) has released a preliminary health assessment that indicates that residential yards and driveways in Superior likely have contaminated soils that could result in adverse health effects.

The concept of "cleaning up" Flat Creek from the upper reaches and continuing to the Clark Fork River to reestablish a pollution free environment for public use is a high priority for this Commission. The current mine site landowners, Stimson Lumber Company and Asarco, having property with known contaminants, are responsible parties who must be enjoined in the comprehensive cleanup. The Forest Service is in favor of promoting a coordinated effort. Mineral County recognizes that contaminated soils exist outside of the Superior Town limits and that those property owners need to be afforded the opportunity to have their properties tested and remediated if warranted.

The Mineral County Commissioners support the EPA National Priority Listing for the Flat Creek drainage and all other areas outside of the incorporated Superior Town limits that potentially have heavy metal contaminants.

Knowing the complexities of having a National Priority Listing, the Mineral County Commissioners believe the following conditions should be part of the listing:

1. That listing must produce a comprehensive and thorough identification of contaminated properties with the objective of full contaminant removal and property restoration.
2. That listing should include all properties with known and suspected contamination including, but not limited to, the Stimson Lumber Company, Asarco, and properties outside of the Superior Town limits.
3. The highest priority remediation should be give to the groundwater discharge from the horizontal mine drift (shaft) located on the Asarco property (Kenebick Lode #4873) that has known contaminants.
4. The existing contaminated material repository on County property east of the Mineral County Airport should be moved to a permanent repository or waste site.
5. The financial administrative agreement in the matter of Superior Waste Rock under CERCLA using updated financial information will be reviewed and assurances given that Mineral County, the Superior School District and the Town of Superior will not be responsible for remediation costs.
6. The community coordinator position will be filled with input from Mineral County.
7. That Federal Government actions will have the least impact on existing county services and personnel as reasonably possible.
8. That the currently county maintained Flat Creek Road, that will have impacts from heavy equipment operation, be repaired to its current condition once reclamation is completed. This may include paving and/or chip seal surfacing some road segments.
9. That EPA will identify employee qualifications for hazardous waste contractors as soon as reasonably possible so that contractors that have interest in bidding on potential remediation projects are qualified to do so.

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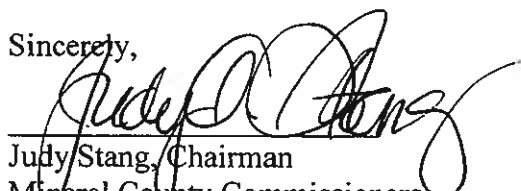
10. That an informational repository be maintained in the Mineral County Courthouse consisting of correspondence, testing results, contracts and property descriptions of all sites remediated.

11. Residents that worked in the Iron Mountain Mine operation, residents that have had close association with Flat Creek mining activities and resident or interested second party historians should be consulted to augment the identification of potential contaminated soil locations that originated from the Iron Mountain Mine mill site.

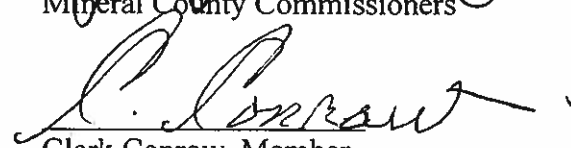
12. Mineral County strongly urges that permanent restrictions be invoked on future residential development for existing mining claims under the ownership of Stimson Lumber Company and Asarco. Mineral County should not be burdened with the determination of whether or not remediated or nonremediated mining claims are suitable for residential development.

Thank you for your attention to this very important public and environmental health matter which has such a direct impact on the residents of Mineral County. Best wishes for the holidays.

Sincerely,



Judy Stang, Chairman
Mineral County Commissioners



Clark Conrow, Member



B.J. McComb, Member

Cc: Gwen Christensen, USEPA, Denver
Richard Opper, Director, DEQ
Sharon R Sweeney, Superior Ranger District, Lolo National Forest
Wayne Stanley, School District No. 3
✓ John Wardell, USEPA Region 8, Helena
Mayor Mike Wood, Superior

